UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/1991/19
4 April 1991

ORIGINAL: ENGLISH

First regular session of 1991
Item 7 of the provisional agenda*

SOCIAL DEVELOPMENT

Crime prevention and criminal justice

Report of the Secretary-General

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INTRODUCTION

1. The present report has been prepared in response to Economic and Social Council resolution 1990/27 of 24 May 1990 on crime prevention and criminal justice. In paragraph 4, the Council invited the General Assembly, at its forty-fifth session, in considering the report of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.144/28), to take appropriate measures to ensure the timely implementation and proper follow-up of the recommendations contained therein. In paragraph 5, the Secretary-General was requested to submit to the Council, at its first regular session of 1991, a progress report on the implementation of that resolution, paying particular attention to action taken by the Assembly. This report highlights briefly the main issues raised during the debate on the report of the Eighth Congress, the action taken in the Assembly and the initial response of the Secretariat related thereto.

2. In its resolution 45/121 of 14 December 1990, the Assembly, inter alia, expressed its satisfaction with the successful results achieved by the Eighth Congress, welcomed the instruments and resolutions adopted and invited Governments to be guided by them in the formulation of appropriate legislation and policy directives and to make efforts to implement the principles contained therein and in the relevant instruments and resolutions approved by previous congresses and other relevant resolutions, in accordance with the economic, social, legal, cultural and political circumstances of each country. The Assembly also adopted all the resolutions recommended to it by the Eighth Congress, and endorsed its decision to give priority attention to specific practical measures to combat international crime over the forthcoming five-year period (ibid., chap. I, sect A).

3. Initial implementation of the recommendations of the Assembly and the Eighth Congress, including a preliminary plan for the programme of work in response to the new mandates, has begun in the context of the programme budget for the biennium 1990-1991. Preparation of the intergovernmental working group and the ministerial meeting of 14 December 1990, to be convened in 1991 in pursuance of Assembly resolution 45/108 in order to strengthen international cooperation in crime prevention and criminal justice and create a more effective United Nations programme in this field, has also begun (see A/45/973 and Add.1).

I. FORTY-FIFTH SESSION OF THE GENERAL ASSEMBLY

A. General debate on agenda item 100: Crime prevention and criminal justice

4. Representatives emphasized the importance of the conclusions and recommendations unanimously adopted by the Eighth Congress, which had approved far-reaching international instruments intended to facilitate cooperation between Member States against transnational crime. The Congress had succeeded

not only in creating a body of universally accepted principles, rules and practical guidelines, but also in laying the foundation for strengthened international cooperation. By adopting model treaties on extradition, mutual assistance in criminal matters, transfer of proceedings in criminal matters, and transfer of supervision of offenders conditionally sentenced or conditionally released, which could also be used as a blueprint for future bilateral treaties, the Congress had emphasized practical assistance to Member States.

5. Particular attention had been placed by the Congress on the role of criminal law in the protection of nature and the environment, prevention and control of organized crime, terrorist criminal activities, computerization of criminal justice, use of automated information exchange to combat crimes against movable cultural property, development of United Nations criminal justice statistical surveys, prevention of urban crime, domestic violence, use of children in criminal activities, and protection of the human rights of victims of crime and abuse of power. Those resolutions reflected the various initiatives taken by Member States, demonstrating their increased and effective participation in the work of the United Nations in crime prevention and criminal justice.

6. In noting the growing extent and seriousness of crime, particularly acts of violence against persons and property, it was stressed that transnational criminality could lead to political and economic destabilization of States and had harmful effects on the well-being of society. Organized crime and terrorism were assuming increasingly threatening dimensions and undermining people's confidence in the administration of justice and the maintenance of the rule of law. Corruption in government was spreading to the point of jeopardizing the proper functioning of public institutions. Drug addiction and drug trafficking were the scourge of the twentieth century. The need for effective action to prevent urban crime was also highlighted. It was emphasized that massive urban delinquency was one of the basic causes of the insecurity felt by city-dwellers. Faced with the failure of policies based solely on repression, multisectoral local initiatives to deal with delinquency had gained support among decision makers. The monetary, human and social cost of crime was taking an inordinate toll: this was a challenge to individual States and the international community as a whole.

7. It was emphasized that global response to crime was urgently needed, including an international mechanism to provide criminal justice personnel ready access to information and facilitate the exchange of technical expertise. It was suggested that the codification of international criminal law and establishment of an international criminal court or regional courts to prosecute international terrorist and organized crime activities merited further consideration. The United Nations had an essential role to play in formulating proposals for reducing transnational criminality; in securing the highest standard of justice through practical implementation of United Nations norms and guidelines; and in providing technical assistance to requesting countries. In this connection, reference was made to the Congress draft resolution entitled "Review of the functioning and programme of work of the

United Nations in crime prevention and criminal justice", as well as to the report of the Committee on Crime Prevention and Control entitled "The need for the creation of an effective international crime and justice programme" (E/1990/31/Add.1). The establishment of an intergovernmental working group to elaborate detailed proposals for such a programme and their consideration by a ministerial meeting, including the possible need for a convention on international cooperation, might constitute, it was felt, a turning-point in global cooperation to combat crime.

B. Action taken by the General Assembly

8. The Assembly took action on all the proposals recommended by the Eighth Congress. This included the adoption of resolution 45/107 entitled "International cooperation for crime prevention and criminal justice in the context of development"; resolution 45/108 entitled "Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice"; resolution 45/109 entitled "Computerization of criminal justice"; resolution 45/110 entitled "United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)"; resolution 45/111 entitled "Basic Principles for the Treatment of Prisoners"; resolution 45/112 entitled "United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines)"; resolution 45/113 entitled "United Nations Rules for the Protection of Juveniles Deprived of Their Liberty"; resolution 45/114 entitled "Domestic violence"; resolution 45/115 entitled "Instrumental use of children in criminal activities"; resolution 45/116 entitled "Model Treaty on Extradition; resolution 45/117 entitled "Model Treaty on Mutual Assistance in Criminal Matters"; resolution 45/118 entitled "Model Treaty on the Transfer of Proceedings in Criminal Matters"; and resolution 45/119 entitled "Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released". It also adopted resolution 45/121 entitled "Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders"; resolution 45/122 entitled "Criminal justice education"; resolution 45/123 entitled "International cooperation in combating organized crime"; resolution 45/166 entitled "Human rights in the administration of justice"; and decision 45/428 entitled "Crime prevention and criminal justice".

9. In its resolution 45/121, the Assembly, inter alia, invited Member States to monitor systematically the steps being taken to ensure coordination of efforts in the planning and execution of effective and humane measures to reduce the social costs of crime and its negative effects on the development process, as well as to continue to explore new avenues for international cooperation in that field. The Assembly invited the Committee on Crime Prevention and Control, at its twelfth session, to be held in 1992, to examine the implications of the resolutions and recommendations of the Congress for the United Nations programmes and to make specific recommendations on the implementation thereof. The Economic and Social Council was requested to examine, at its first regular session of 1992, the report of the Committee with a view to providing overall policy guidance, and to undertake periodically the review, monitoring and appraisal of the above-mentioned resolutions and recommendations.

10. In the same resolution, in emphasizing the urgent need to strengthen the operational aspects of the United Nations crime prevention and criminal justice programme, the Assembly urged the Department of Technical Cooperation for Development of the Secretariat, the United Nations Development Programme (UNDP) and other pertinent organizations to give full support to projects of technical assistance in the field. The Assembly also urged all entities of the United Nations system, including the regional commissions and the regional and interregional institutes and the relevant intergovernmental and non-governmental organizations, to become actively involved in the implementation of the recommendations and conclusions of the Eighth Congress. The Secretary-General was requested to use his best endeavours to translate into action the resolutions recommended by the Congress for adoption by the Assembly, and to provide adequate follow-up of the other resolutions unanimously adopted by the Congress. He was invited to review the resources required to enable the Crime Prevention and Criminal Justice Branch to discharge its responsibilities and to consider including in the proposed budget for the biennium 1992-1993 programme and resources proposals to assist with the long-term work to existing mandates.

11. In addition, the Assembly welcomed 30 resolutions unanimously adopted by the Congress, dealing with a wide spectrum of crime-related issues and including many new initiatives in the field of crime prevention and criminal justice and new responsibilities for the United Nations. The attention of the Council is drawn in particular to the report of the Secretary-General on the implementation of the conclusions of the Eighth United Nations Congress (A/45/639), which contains a summary of the recommendations and conclusions of the Congress, implementation modalities, and initial proposals for action. It should be noted that the Assembly provided some additional resources for the implementation of those resolutions as they relate to the 1990-1991 programme budget. The financial implications of these and other resolutions as they relate to future bienniums would be dealt with in the context of proposed programme budgets for the biennium 1992-1993 and beyond (see A/C.5/45/59 and A/45/845).

II. INITIAL PHASE OF PROGRAMME PLANNING AND IMPLEMENTATION

A. Proposals for the biennium 1992-1993

12. The wide array of new mandates deriving from the decisions of the Eighth Congress and the tasks to be performed, together with the continuing functions, necessitate the focusing of attention on priority areas during the biennium 1992-1993.

13. It should be noted, however, that not everything requested by the Eighth Congress could be implemented within the limited resources available from the United Nations regular budget. The emphasis on practical action in most of the resolutions adopted by the Congress and the General Assembly requires the strengthening of the operational aspects of the programme, with the

involvement and financial support of UNDP and the Department of Technical Cooperation for Development. Extrabudgetary resources are urgently needed to give tangible effect to the calls for more technical cooperation and assistance in several key areas. Voluntary contributions would be required, for example, for the full implementation of General Assembly resolutions 45/109 on computerization of criminal justice and 45/114 on domestic violence and of Congress resolutions 4 on international cooperation and mutual assistance through training programmes and exchange of expertise, 10 on development of United Nations criminal justice surveys, and 11 and 12 on the support to the Latin American and African Institutes.

1. Collaborative action against transnational crime

14. The Eighth Congress called for intensified collaborative action against organized crime and other forms of transnational criminality, with a view to assisting Member States in improving the capability of their criminal justice systems. Accordingly, attention will be given to the means and methods for countering those kinds of offences, including corruption, economic offences and terrorism, as well as crimes against the environment and the cultural patrimony and computer-related crimes. Policy guidance, based on operational studies, will be made available to Governments and joint strategies fostered, through appropriate follow-up action and the development of viable policies and strategies against transnational crime.

15. In particular, it is envisaged to initiate, during 1992-1993, work on studies and the formulation of guidelines that would assist Governments wishing to improve their efforts to prevent and control transnational crime and promote collective action against it. Emphasis will thus be placed on proposals aimed at strengthening international cooperation in combating organized crime and other forms of transboundary criminality, measures against the instrumental use of children in criminal activities, compliance with international conventions on terrorism, preparation of an international code of conduct for public officials, elaboration of guidelines for the control of environmental offences, and the use of automated information exchange to combat crimes against movable cultural property. Work will also be initiated on the establishment of databases on legislation and methods for the prevention and control of such crimes. Furthermore, should funds be available, training seminars and workshops on priority areas will be organized in cooperation with interested Governments and interregional and the regional institutes.

2. Crime prevention planning and criminal justice management

16. The activities to be undertaken aim at promoting integrated and effective criminal justice management in order to reduce the costs of crime and crime control and create a secure environment conducive to sustained national development. This requires a coherent overall policy, the application of modern management techniques and proper distribution of tasks among the

various criminal justice agencies so that they complement and reinforce each other in ensuring fair, expeditious and humane justice. Community education in crime prevention will be stressed to increase public awareness and involvement and to reduce victimization. Attention will also be given to the prevention of juvenile delinquency and improvement of the administration of juvenile justice. The promotion of alternatives to incarceration and of self-reliance of prisoners through educational and training programmes will be pursued so as to foster community-based options and the reintegration of offenders as productive members of the society.

17. Studies and reports will be prepared, based on research and analysis of global and specific issues of crime and crime prevention. Topics will include the development of comprehensive countermeasures for juveniles at social risk, including drug-related delinquency; formulation of strategies to deal with the serious young offenders; a manual on juvenile justice; elaboration of guidelines for the institutional and clinical management of HIV-infected prisoners and those with AIDS; development of inventories of specific preventive measures related to such types of criminality as burglary, violent theft and street crime; the role of computerization in criminal justice management; and domestic violence, including a manual on its prevention and control. In addition, it is envisaged that two manuals on criminal justice education and on the United Nations crime and justice information network will be developed. Seminars, workshops and fellowships will also be organized, particularly on education in the prevention of victimization and on criminal justice statistics.

3. Crime prevention and criminal justice standards and norms

18. Emphasis will be placed on the practical application of existing United Nations norms and standards, and on consolidating and rationalizing the arrangements for effectively monitoring and evaluating the progress achieved with a view to assisting countries in introducing reforms in line with their respective systems and new requirements. New guidelines in priority areas identified by the Eighth Congress and by other policy-making bodies will also be developed as part of the standard-setting process designed to promote the observance of human rights in the administration of justice. In addition to the preparation of reports on the implementation of existing norms and standards, work will be initiated on the elaboration of a model treaty on the transfer of enforcement of penal sanctions; guidelines on the assessment for release of life sentence prisoners; and development of international means of recourse and redress for victims where national channels may be insufficient and of procedures for the prevention and curtailment of serious victimization. A guide on the prevention of victimization will also be prepared and a database established on comprehensive measures for education on the prevention of victimization and on the protection of, and assistance and compensation to, victims, including special categories, such as victims of terrorism. Training courses, seminars and workshops will be organized on the implementation of United Nation norms and guidelines and on victim-related issues.

B. Preparation for an intergovernmental working group and a ministerial meeting on the creation of an effective international crime and justice programme

19. In its resolution 45/108 entitled "Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice", the General Assembly decided to establish an intergovernmental working group, which, on the basis of the report of the Committee on Crime Prevention and Control entitled "The need for the creation of an effective international crime and justice programme" (E/1990/31/Add.1), would produce a report elaborating proposals for an effective crime prevention and criminal justice programme and suggesting how that programme could most appropriately be implemented. Accordingly, the Assembly requested the President of the General Assembly, in consultation with the Chairmen of the regional groups, to appoint no more than 30 Member States on the basis of the principle of equitable geographical distribution to constitute the membership of the working group.

20. Member States were invited, in consultation with the Secretary-General and the Chairman of the Committee on Crime Prevention and Control, to convene an early ministerial meeting to consider the group's report and decide on the future programme, including the possible need for a convention or other international instrument to develop the content, structure and dynamics of that programme, including mechanisms for setting priorities, securing the implementation of the programme and monitoring the results achieved. The conclusions and recommendations of the ministerial meeting will be brought to the attention of the forty-sixth session of the General Assembly.

21. The Assembly also requested the Secretary-General to assess the possible implications of the programme proposed by the intergovernmental working group for the resources and organization of the Secretariat and to report thereon to the ministerial meeting and to the Committee on Crime Prevention and Control. Member States were invited to provide active support and assistance for the development of an effective international crime prevention and criminal justice programme and of viable mechanisms for implementing it.

22. The Secretary-General is finalizing the organizational and substantive preparation for the meeting of the intergovernmental working group, which has been rescheduled for 5 to 9 August 1991, following the conclusion of the consultations between the President of the General Assembly and the Chairmen of the regional groups. The Secretary-General hopes to ensure early preparations for the ministerial meeting, which could be held in the second part of 1991. The Government of France has generously offered to host this meeting (see A/45/973 and Add.1).

C. Other initiatives taken as a follow-up to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

23. A seminar on protection of human rights in national and international legislation was organized by the United Nations Association of the Union of Soviet Socialist Republics and held at Kiev, Ukrainian Soviet Socialist Republic, from 25 to 29 September 1990. On 5 December 1990, a symposium on the implementation of the Congress decisions was organized by the Alliance of Non-governmental Organizations on the Prevention of Crime and Criminal Justice (Vienna), in cooperation with the United Nations Office at Vienna, under the auspices of the Ministry of Justice of Austria. The symposium was attended by participants representing 15 non-governmental organizations and relevant United Nations programmes. A meeting to plan an international seminar on organized crime to be held in September 1991, in pursuance of General Assembly resolution 45/123, was held in Moscow from 19 to 23 November 1990. The first European Seminar for United Nations National Correspondents in the Field of Crime Prevention and Criminal Justice was organized by the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations. The Seminar, which was held at Helsinki on 15 and 16 December 1990, brought together national correspondents from 26 countries of the European region to discuss ways and means of enhancing the role of the United Nations network of national correspondents. A meeting on the implementation of the decisions of the Eighth Congress and their implications for Canadian crime prevention and criminal justice policy was held at the University of Ottawa on 30 January 1991. It was attended by representatives of the Government and non-governmental organizations. The Ministry of Interior of Egypt organized a symposium on crime prevention strategies and the implementation of the Standard Minimum Rules for Non-Custodial Measures. The symposium, which was held at the Police Academy in Cairo from 23 to 25 January 1991, was attended by representatives of the Government and intergovernmental and non-governmental organizations. The first session of the International Advisory, Scientific and Professional Council, established in support of the United Nations crime and criminal justice programme, is to be convened by the Centro Nazionale di Prevenzione e Difesa Sociale at Milan in spring 1991. In cooperation with the United Nations Interregional Crime Research Institute (UNICRI), an expert group meeting will be organized in Rome, in June 1991, to discuss the development of the United Nations criminal justice statistical surveys.

24. The Secretariat has distributed the report of the Eighth Congress to Governments, intergovernmental and non-governmental organizations and individual experts who attended the Congress. It has also requested Governments to provide information on the implementation of the General Assembly and Congress resolutions on the new model treaties. Consultations with interested Governments have been initiated regarding follow-up action on the implementation of other resolutions, e.g. the use of automated information exchange to combat crimes against movable property and the development of future procedures for evaluating the extent to which Member States implement United Nations norms and guidelines in pursuance of Congress resolutions 6 and 29.

III. CONCLUSION

25. The action taken by the General Assembly on the recommendations and conclusions of the Eighth Congress has highlighted the priorities and extensive requirements of Member States. The new tasks mandated necessitate an effective United Nations programme adequately equipped to render the services that Governments require and expect. Those tasks include the preparation of studies, manuals, guidelines, technical publications and reports to United Nations policy-making bodies, in addition to the establishment of databases, the organization and servicing of meetings, workshops and seminars. But, most of all, they include both the provision of technical assistance and advisory services to requesting countries and the formulation and implementation of technical cooperation projects.

26. The call for the creation of an effective international crime and justice programme, so clearly voiced at the Eighth Congress and the forty-fifth session of the General Assembly, reflects the wishes of Member States to reinforce the role of the United Nations in responding more effectively to the threats and challenges of criminality. Governments with different legal and political traditions have stated that they would be prepared to join forces in order to combat transnational crime if an appropriate international framework exists and if concrete possibilities for multilateral action are offered, including a viable programme of technical cooperation. The intergovernmental working group and the ministerial meeting on the creation of an effective international crime and justice programme provide unique opportunities of setting the course of future United Nations action in an area critical to the achievement of a better quality of life not only in this the last decade of the twentieth century but also in the next century.